

To: Chairman Powell, FCC
From: Sheri Farinha Mutti, CEO, NorCal Center on Deafness, Inc.
CC: Federal Communications Commissioners
Tom Chandler, FCC Disability Rights Office
U.S. Attorney General, John Ashcroft
California Congressional Representatives
California Attorney General, Bill Lockyear
Governor of California, Gray Davis
United States President, George W. Bush
California Coalition of Agencies Serving the Deaf and Hard of Hearing
National Disability Rights Advocates
Re: FCC Docket Order No. 98- 67 Will Violate Deaf Children's Rights: "No Child Left Behind Act", Americans with Disabilities Act, and California Civil Rights.

Representing deaf and hard of hearing consumers residing in northeastern California, our agency was appalled with the FCC's recent order to lower the rates per minute. This order, although interim, has led to the restriction of the availability of VRS from 24-7 to daytime only. This is not progress; this is a step backward. As explained below, the FCC made erroneous findings labeling VRI and VRS as one and the same. As an agency that provides VRI, we know the FCC's rationale is clearly wrong. We urge the FCC to reject their docket of such fallous findings.

This 24-hour service finally opened the door of telecommunication to Deaf Children and Adults with limited or no English skills who primarily use American Sign Language for communication and who have not had, up until this point in time, access to the telephone. Traditional relay services using the TTY do not provide telecommunication for this group who are unable to read or write, let alone type on a TTY machine or comprehend the instructions from the relay operator. Because of these facts up to its present time, FCC is already in violation of the ADA, IDEA, No Child Left Behind Act, and our Civil Rights.

Video Relay Service was introduced to Californians last July. For the first time ever, this telecommunication tool made it possible for deaf children and adults to place a call to services that are required by law to be accessible to people with disabilities. Access for a segment of our community that cannot use the TTY or TTY relay service defined by the availability of video relay service.

Let this memo to serve as a formal complaint against the FCC for this careless and damaging decision. The detrimental consequences will ultimately prove the FCC liable for any human suffering and/or damages as a result of no telephone access. People with disabilities are constantly left behind with the advent of new technology and left to fight for access to technology that is taken for granted by the general population. This order, should the lower rates remain, would kill the advent of a technology that not only provides access to a segment of the deaf community that has never had access but also has the potential to improve telecommunication for

the entire deaf community and the general population. Thus, we believe by issuing this order, the ramifications of which impact service delivery for this access to take place, the FCC has continues to create an unlawful violation of our Civil Rights.

For the above reasons, the FCC must reconsider its decision, which is based on misconceived notions about VRI and VRS. The only resolution we will accept is if the FCC withdraws their docket and allows NECA's recommendation to stand as final.